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Attorney for Claimant
MARIA AMPARO GARCIA DE CAMACHO

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$18,152.00 IN U.S. CURRENCY,

ONE 2002 VOLKSWAGEN JETTA
BAJA CA LICENSE NO. AHF7024,
VIN# 3VWRV09M92M145274, ITS
TOOLS AND APPURTENANCES,

Defendants.

Case No. 08-CV-0577-WQH(JMA)

**MARIA AMPARO GARCIA DE CAMACHO'S
ANSWER TO COMPLAINT
FOR FORFEITURE AND
DEMAND FOR JURY TRIAL**

COMES NOW the Claimant, MARIA AMPARO GARCIA DE CAMACHO, and in answer to Plaintiff's Complaint for Forfeiture, hereby responds, alleges, and otherwise pleads as follows:

1. Claimant denies each and every allegation set forth in Paragraph 1. of the Complaint for Forfeiture in the conjunctive as well as the disjunctive.

2. Claimant denies each and every allegation set forth in Paragraph 2. of the Complaint for Forfeiture in the conjunctive as well as the disjunctive.

3. Answering Paragraph 3. of the Complaint, Claimant has no information or belief sufficient to enable her to answer the allegations contained therein, and basing her denial on that ground, denies each and every allegation contained therein in the conjunctive as well as the disjunctive.

Count 1

\$18,152.00 IN U.S. CURRENCY

4. Answering Paragraph 4. of the Complaint, Claimant hereby incorporates her responses to Paragraphs 1-3 herein as if fully repeated herein.

5. Claimant denies each and every allegation set forth in Paragraph 5. of the Complaint for Forfeiture in the conjunctive as well as the disjunctive

6. Claimant denies each and every allegation set forth in Paragraph 6. of the Complaint for Forfeiture in the conjunctive as well as the disjunctive.

7. Claimant denies each and every allegation set forth in Paragraph 7. of the Complaint for Forfeiture in the conjunctive as well as the disjunctive.

8. Claimant denies each and every allegation set forth in Paragraph 8. of the Complaint for Forfeiture in the conjunctive as well as the disjunctive.

9. Answering Paragraph 9. of the Complaint, Claimant has no information or belief sufficient to enable her to answer the allegations contained therein, and basing her denial on that ground, denies each and every allegation contained therein in the conjunctive as well as the disjunctive.

Count 1

ONE 2002 VOLKSWAGEN JETTA

10. Answering Paragraph 10. of the Complaint, Claimant hereby incorporates her responses to Paragraphs 1-3 herein as if fully repeated herein.

11. Claimant denies each and every allegation set forth in Paragraph 11. of the Complaint for Forfeiture in the conjunctive as well as the disjunctive.

12. Claimant denies each and every allegation set forth in Paragraph 12. of the Complaint for Forfeiture in the conjunctive as well as the disjunctive.

13. Claimant denies each and every allegation set forth in Paragraph 13. of the Complaint for Forfeiture in the conjunctive as well as the disjunctive.

14. Answering Paragraph 14. of the Complaint, Claimant has no information or belief sufficient to enable her to answer the allegations contained therein, and basing her denial on

1 that ground, denies each and every allegation contained therein in the conjunctive as well as the
2 disjunctive.

3 15. Answering Paragraph 15. of the Complaint, Claimant has no information
4 or belief sufficient to enable her to answer the allegations contained therein, and basing her denial on
5 that ground, denies each and every allegation contained therein in the conjunctive as well as the
6 disjunctive.

7 **AFFIRMATIVE DEFENSE(S)**

8 **FIRST AFFIRMATIVE DEFENSE**

9 For a further and separate answer to the Complaint, Claimant alleges the subject Complaint as
10 pled fails to state facts sufficient to constitute a cause of action against the defendant properties.

11 **SECOND AFFIRMATIVE DEFENSE**

12 For a further and separate answer to the Complaint, Claimant alleges plaintiff lacked probable
13 cause for the institution of the forfeiture action.

14 **THIRD AFFIRMATIVE DEFENSE**

15 For a further and separate answer to the Complaint, Claimant alleges that the forfeiture in this
16 case is disproportionate, and is a violation of the Eighth Amendment to the United States
17 Constitution.

18 **FOURTH AFFIRMATIVE DEFENSE**

19 For a further and separate answer to the Complaint, Claimant allege Claimant's ownership
20 interest (legal and/or beneficial) is not forfeitable in the property by reason that any and all acts or
21 omissions alleged as the basis for forfeiture have been committed or omitted without the knowledge
22 or consent of Claimant (i.e. Claimant was and is what is commonly referred to as an innocent owner).

23 **FIFTH AFFIRMATIVE DEFENSE**

24 For a further and separate answer to the Complaint, Claimant alleges that the searches which
25 led to the seizure of the defendant currency and vehicle violated the Fourth Amendment to the
26 United States Constitution.

27 **JURY DEMAND**

28 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and general federal law,

1 Claimant demands a trial by jury in connection with the subject action.

2 WHEREFORE, claimant prays for judgment as follows:

- 3 1. That the Complaint be dismissed with prejudice;
- 4 2. That the subject properties be returned to Claimant;
- 5 3. For reasonable attorney's fees herein and costs of suit; and
- 6 4. For such other and further relief as the Court may deem just.

7 DATED: May 29, 2008

8 s/ Richard M. Barnett
9 RICHARD M. BARNETT, ESQ.
rmb-atty@pacbell.net

10 Attorney for Claimant
11 MARIA AMPARO GARCIA DE CAMACHO
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CERTIFICATE OF SERVICE

I, RICHARD M. BARNETT, do hereby state:

That I am a citizen of the United States, over the age of eighteen years, and not a party to the within action.

That my business address is 105 West F Street, 4th Floor, San Diego, California.

That on May 29, 2008, I have caused service of Answer to Complaint for Forfeiture on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies said party:

1. David McNees, Special Assistant U.S. Attorney, Attorney for Plaintiff.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 29th day of May, 2008, at San Diego, California.

/s/ Richard M. Barnett
RICHARD M. BARNETT